

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No.: 7:23-cv-318
)	
A&G COAL CORP., et al)	
)	
<i>Defendants.</i>)	

DECLARATION OF STEPHEN W. BALL

I, Stephen W. Ball, having been duly sworn, state as follows:

1. I am over 21 years old and competent to make this Declaration.
2. I am a licensed attorney in the State of West Virginia, and I am Executive Vice President and General Counsel for Southern Coal Corporation (“SCC”).
3. SCC is the parent company, and sole owner, of National Coal, LLC, Premium Coal Company, Inc. and S and H Mining, Inc. (collectively the “Companies”).
4. The Companies previously operated certain surface and underground mining permits in Anderson, Campbell and Scott Counties, Tennessee.
5. Those operations have been idled for more than five (5) years with no active coal production. Nonetheless, reclamation activities have occurred since that time.
6. The Companies have entered into abatement agreements with OSMRE that have resulted in additional reclamation work and paperwork that have abated violations.
7. OSMRE is currently proceeding with bond forfeiture and permit revocation proceedings in an attempt to collect money from the surety bonds to perform reclamation activities. The Companies have appealed these proceedings.

8. The Companies have advised OSMRE, and OSMRE has been contacted by a third party entity that is prepared to post new bonds in higher amounts than the existing bonds and perform the outstanding reclamation that exists on the Companies Permits. This would eliminate the need for any bond forfeitures or individual penalties to be used to perform any such outstanding reclamation work.

9. James C. Justice III does not receive a salary or distributions from the Companies.

10. The Companies do not currently have any unencumbered assets.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and accurate based upon my knowledge to date.



Stephen W. Ball

December 8, 2023
Date